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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,864	03/30/2004	David Sinai	MPI508 151677	3802
65589 7590 12/16/2008 SCHWABE, WILLIAMSON & WYATT, P.C. PACWEST CENTER, SUITE 1900 1211 S.W. FIFTH AVENUE PORTLAND, OR 97204				
EXAMINER				
BROWN, MICHAEL J				
ART UNIT		PAPER NUMBER		
2116				
MAIL DATE		DELIVERY MODE		
12/16/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/811,864

Applicant(s)

SINAI, DAVID

Examiner

Michael J. Brown

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28, 32, 33, 55 and 58-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28, 32, 33, 55 and 58-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
-
1. Claims 28, 32, 33, 55, and 58-64 rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen et al.[Nguyen](US Patent 5,926,394) in view of Oh(US Patent 7,243,247).

As to independent claims 28, 55, ad 58

Nguyen discloses an article of manufacture, an apparatus, and a method comprising a set of instructions which when executed by a power management controller(subsystem 40, see Fig. 4A) cause the power management controller to perform operations comprising providing an operating voltage(voltage V, see Fig. 4A) to

a processor(processor 42, see Fig. 4A); determining an anticipated change in a mode of operation of the processor(see column 7, lines 50-52); and modifying the operating voltage provided to the processor based on the anticipated change in the mode of operation of the processor(see column 7, lines 49-52). However, Nguyen fails to specifically disclose the article of manufacture comprising a storage medium which stores a set of instructions executed by the power controller, Nguyen also fails to specifically disclose the processor being configured to process wireless communication signals.

Oh teaches a storage medium(machine-read-able storage medium; see column 2, lines 28-29) which stores a set of instructions for power management(instructions for managing power; see column 2, lines 29-30). Oh also discloses a processor(CPU 10, see Fig. 2) configured to process wireless communication signals(see column 6, lines 14-17; "radio link" indicates wireless communications). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Oh's computer system with Nguyen's computer system in order to adjust voltage of a wireless devices processor before the processor actually switches modes. The motivation to do so would have been to further conserve energy in a cellular phone.

As to claims 32 and 59

Nguyen discloses the article of manufacture and the method wherein the operating voltage is modified by reducing the operating voltage when the current mode

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is determined to be a sleep mode(sleep mode; see column 7, line 60)(see column 7, lines 29-41).

As to claims 33 and 60

Nguyen discloses the article of manufacture and the method wherein the operating voltage is modified by increasing the operating voltage when the current mode is determined to be an active mode(wake mode; see column 7, line 61)(see column 7, lines 29-41).

As to claim 61

Nguyen discloses the method wherein the anticipated change in the mode of operation of the processor is determined by sensing a current mode of operation(see column 7, lines 45-54).

As to claim 62

Nguyen discloses the method wherein the anticipated change in the mode of operation of the processor is determined by sending a signal indicative of the current or anticipated mode(see column 7, lines 45-54).

As to claim 63

Nguyen discloses the method wherein the anticipated change in the mode of operation of the processor is determined by sending a signal indicative of the anticipated change of mode of operation(see column 7, lines 45-54).

As to claim 64

Nguyen discloses the method wherein the operating voltage provided to the processor based on the anticipated change in the mode of operation of the processor is modified based on a signal indicative of the anticipated change(see column 7, lines 45-54).

Response to Arguments

2. Applicant's arguments, see Remarks, filed 11/18/2008, with respect to the rejection(s) of claim(s) 28, 32, 33, 55, and 58-64 under 35 U.S.C. 103(a) as being unpatentable over Takasaki et al.[Takahashi](US PGPub 2003/0140261) in view of Crouch et al.[Crouch](US Patent 6,970,080) and further in view of Butler, Jr. et al.[Butler](US Patent 5,647,388) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Nguyen et al.[Nguyen](US Patent 5,926,394) in view of Oh(US Patent 7,243,247).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Brown whose telephone number is (571)272-5932. The examiner can normally be reached Monday-Thursday from 7:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached at (571)272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J Brown/
Examiner, Art Unit 2116

/Thomas Lee/
Supervisory Patent Examiner, Art Unit 2115